

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LUTRELL B HUDDLESTON,
Plaintiff,

v.

**CITY & COUNTY OF SAN FRANCISCO, ET
AL.,**

Defendants.

Case No. 16-cv-01998-YGR

**ORDER GRANTING IN PART AND DENYING
IN PART DEFENDANTS' MOTION FOR A
MORE DEFINITE STATEMENT AND TO
DISMISS**

Re: Dkt. No. 22

On September 12, 2016, the Court dismissed *pro se* plaintiff's complaint, giving plaintiff leave to amend with respect to certain counts. (Dkt. No. 20.) On October 17, 2016, plaintiff filed a first amended complaint.¹ (Dkt. No. 21.) Now before the Court is defendants' motion: (i) for a more definite statement; and (ii) to dismiss the individual defendants for failure to serve.² (Dkt. No. 22.)

Having reviewed the pleadings and the papers submitted, and for good cause appearing, the Court **GRANTS IN PART AND DENIES IN PART** defendants' motion and **ORDERS** as follows:

First, with regards to defendants' motion to dismiss the individual defendants for failure to serve, plaintiff concedes that she no longer intends to raise claims against defendants David P. Augustine and Debra D. Lew in their individual capacities. (Dkt. No. 24 at 1–2.) Accordingly, defendants' motion to dismiss the same is **GRANTED**. Defendants David P. Augustine and Debra D. Lew are hereby **DISMISSED WITHOUT PREJUDICE** for failure to serve.

¹ Defendants in this action are the City & County of San Francisco ("CCSF"), CCSF Office of Treasurer and Tax Collector, David P. Augustine, and Debra D. Lew.

² Specifically, defendants seek to dismiss plaintiff's claims against David P. Augustine and Debra D. Lew for failure to serve, pursuant to Federal Rule of Civil Procedure 4(m).

1 Second, with regards to their request for a more definite statement pursuant to Federal Rule
2 of Civil Procedure 12(e), defendants specifically request that plaintiff do the following: (i)
3 describe and name each and every defendant she seeks to hold liable rather than vaguely referring
4 to the City and County of San Francisco or “defendants” generally; (ii) make clear to whom the
5 term “defendant” refers whenever it is used; (iii) indicate against which defendants she brings each
6 claim for relief; and (iv) state in which capacity she seeks to hold any individual defendants liable.
7 (Dkt. No. 22 at 5.) Given the dismissal of the two individual defendants, there appears to be no
8 further need for a more definite statement as requested by the remaining defendants in this action.
9 Accordingly, the Court **DENIES** defendants’ motion for a more definite statement.³

10 The Court further sets an initial Case Management Conference for **Monday, February 6,**
11 **2017 at 2:00 p.m.** in the Federal Building, 1301 Clay Street, Oakland, California, Courtroom 1.
12 By **January 30, 2017**, the parties must file a case management statement complying with the Civil
13 Local Rules of the Northern District of California and this Court’s Standing Order in Civil Cases.⁴

14 The Court advises plaintiff that a Handbook for Pro Se Litigants, which contains helpful
15 information about proceeding without an attorney, is available in the Clerk’s office or through the
16 Court’s website, <http://cand.uscourts.gov>. The Court also advises plaintiff that additional
17 assistance may be available by making an appointment with the Legal Help Center. There is no
18 fee for this service. Please visit the Court’s website or call the phone numbers listed below for
19 current office hours, forms, and policies.

20 To make an appointment with the Legal Help Center in Oakland, plaintiff may visit the
21 Oakland Courthouse, located at 1301 Clay Street, Room 470S, Oakland, California or call (415)
22 782-8982.

23
24
25 ³ The Court **VACATES** the hearing currently set on this motion for **December 13, 2016**.

26 ⁴ The Court notes that plaintiff has missed several deadlines in this action, and the Court
27 has previously had to issue an order to show cause due to plaintiff’s failure to meet her deadlines.
28 Plaintiff is reminded to review her obligations under the Local Rules and the Court’s Standing
Order. Failure to meet her deadlines in the future may result in monetary sanctions or the
dismissal of her action.

1 To make an appointment with the Legal Help Center in San Francisco, plaintiff may visit
2 the San Francisco Courthouse, located at 450 Golden Gate Avenue, 15th Floor, Room 2796, San
3 Francisco, California, or call (415) 782-8982.

4 To make an appointment with the Federal Legal Assistance Self-Help Center in San Jose,
5 plaintiff may visit the San Jose Federal Courthouse, located at 280 South 1st Street, 4th Floor,
6 Rooms 4093 & 4095, San Jose, California, or call (408) 297-1480.

7 This Order terminates Docket Number 22.

8 **IT IS SO ORDERED.**

9 Dated: November 30, 2016



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE